

Arlana S. Cohen (AC-9034)  
C.J. Erickson (CE-6604)  
COWAN, LIEBOWITZ & LATMAN, P.C.  
1133 Avenue of the Americas  
New York, NY 10036  
Tel: (212) 790-9237  
Fax: (212) 575-0671  
Attorneys for Defendants  
Teng Da Trading USA Inc. and  
Xiang Yuan Fan a/k/a Shawn Fan

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
CHANEL, INC., :

Plaintiff, :

-against- :

**07 CV 11113 (NRB) (GWB)**

**ANSWER**

TENG DA TRADING INC., XIANG YUAN FAN :  
a/k/a SHAWN FAN and JOHN DOES 1-10 :

Defendants. :  
----- x

Defendants Teng Da Trading USA Inc. ("Teng Da") and Xiang Yuan Fan a/k/a Shawn Fan ("Fan"), by its attorneys, for its Answer to the Complaint ("Complaint") filed by Chanel, Inc. ("Chanel" or "Plaintiff") answer as follows:

1. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 of the Complaint, and therefore deny the same.
2. Paragraph 2 of the Complaint fails to state an allegation to which a response is required, except Defendants deny it has registered a "CC Monogram".
3. Deny the allegations of paragraph 3 of the Complaint.

4. Paragraph 4 of the Complaint fails to state an allegation to which a response is required except Defendants admit the Complaint purports to state causes of action as delineated therein.

5. Paragraph 5 of the Complaint fails to state an allegation to which a response is required except Defendants' deny Plaintiff is entitled to the relief requested.

6. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 6 of the Complaint, and therefore deny the same.

7. Defendant Teng Da admits it operates a store at the address listed in Paragraph 7 and that it is a New York Corporation.

8. Defendant Fan admits he is the General Manager of Teng Da but denies the remaining allegations set forth in paragraph 8 of the Complaint.

9. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9 of the Complaint, and therefore deny the same.

#### **JURISDICTION AND VENUE**

10. Admit jurisdiction and venue is proper.

11. Admit the allegations of paragraph 11 of the Complaint.

12. Admit the allegations of paragraph 12 of the Complaint.

#### **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

13. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 13 of the Complaint, and therefore deny the same.

14. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 14 of the Complaint, and therefore deny the same.

15. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 15 of the Complaint, and therefore deny the same.

16. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 16 of the Complaint, and therefore deny the same.

17. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 17 of the Complaint, except Defendants admit Chanel has attached to the Complaint certain printouts from the PTO database reflecting its ownership of the CC Registrations as attached as Exhibit A.

18. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 18 of the Complaint, and therefore deny the same.

19. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 19 of the Complaint, and therefore deny the same.

20. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 20 of the Complaint, and therefore deny the same.

21. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 21 of the Complaint, and therefore deny the same.

22. Deny the allegations of paragraph 22 of the Complaint.

23. Deny the allegations of paragraph 23 of the Complaint.

24. Deny the allegations of paragraph 24 of the Complaint.

25. Admits the allegations of paragraph 25 of the Complaint.

26. Deny the allegations of paragraph 26 of the Complaint.

27. Deny the allegations of paragraph 27 of the Complaint.

28. Deny the allegations of paragraph 28 of the Complaint.

29. Deny the allegations of paragraph 29 of the Complaint.

30. Deny the allegations of paragraph 30 of the Complaint.

**FIRST CLAIM FOR RELIEF – AGAINST ALL DEFENDANTS  
TRADEMARK INFRINGEMENT (15 U.S.C. §1114 (1))**

31. Defendants repeat and realleges paragraphs 1 through 30 above as if fully set forth herein.

32. Deny the allegations of paragraph 32 of the Complaint.

33. Deny the allegations of paragraph 33 of the Complaint.

34. Deny the allegations of paragraph 34 of the Complaint.

35. Deny the allegations of paragraph 35 of the Complaint.

**SECOND CLAIM FOR RELIEF – AGAINST ALL DEFENDANTS  
FEDERAL UNFAIR COMPETITION (15 U.S.C. §1125(a))**

36. Defendants repeat and realleges paragraphs 1 through 35 above as if fully set forth herein.

37. Deny the allegations of paragraph 37 of the Complaint.

38. Deny the allegations of paragraph 38 of the Complaint.

**THIRD CLAIM FOR RELIEF – AGAINST ALL DEFENDANT TENG DA  
CANCELLATION OF TRADEMARK REGISTRATION  
(15 U.S.C. §§ 1052 (d), 1119)**

39. Defendants repeat and realleges paragraphs 1 through 38 above as if fully set forth herein.

40. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 21 of the Complaint, except admit Teng Da admits it applied for and obtained U.S. Registration No. 3235192 for its trademark.

41. Deny the allegations of paragraph 41 of the Complaint.

42. Deny the allegations of paragraph 42 of the Complaint.

43. Deny the allegations of paragraph 43 of the Complaint.

**FOURTH CLAIM FOR RELIEF – AGAINST ALL DEFENDANTS  
FOR TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION  
UNDER NEW YORK COMMON LAW**

44. Defendants repeat and realleges paragraphs 1 through 43 above as if fully set forth herein.

45. Deny the allegations of paragraph 45 of the Complaint.

46. Deny the allegations of paragraph 46 of the Complaint.

47. Deny the allegations of paragraph 47 of the Complaint.

48. Deny the allegations of paragraph 48 of the Complaint.

**FIFTH CLAIM FOR RELIEF – AGAINST ALL DEFENDANTS  
DECEPTIVE TRADE PRACTICES (N.Y. Gen. Bus. Law § 349)**

49. Defendants repeat and realleges paragraphs 1 through 48 above as if fully set forth herein.

50. Deny the allegations of paragraph 50 of the Complaint.

**AFFIRMATIVE DEFENSES**

1. The Complaint fails to state a claim for which relief may be granted.
2. The claims set forth in the Complaint are barred by laches and/or estoppel.

**JURY REQUEST**

Defendants request a trial by jury.

**WHEREFORE**, Defendants respectfully requests that Plaintiff's Complaint be dismissed in its entirety.

Dated: New York, New York  
December 27, 2007

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.

By: 

Arlana S. Cohen (AC-9034)

C.J. Erickson (CE-6604)

1133 Avenue of the Americas

New York, New York 10036

Tel: (212) 790-9237

Fax: (212) 575-0671

Attorneys for Defendants

Teng Da Trading USA Inc. and

Xiang Yuan Fan a/k/a Shawn Fan